

**REMARKS**

In response to the Office Action dated March 6, 2003, claims 1-4 and 13 are canceled, and claims 14-19 are added. Claims 14-19 are now active in this application. No new matter has been added.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claim 13 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

The rejection is moot as to canceled claim 13.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 102**

Claims 1-4 and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nomura et al. (USPN 6,261,385; hereinafter, Nomura).

The rejection is moot as to canceled claims 1-4 and 13. Please note that claim 2 was canceled in the Amendment filed December 20, 2003.

**NEW CLAIMS**

To expedite prosecution, "product-by-process" claims 14-19 are added. As shown in the present Figures, Applicants find that the inventive effect of the present invention is especially pronounced in the relation between relative value of anisotropic strength and number of cycles (Figs. 1, 3, 7, 9 and 12), or the relation between relative value of coercive force and number of cycles (Figs. 2, 4, 8, and 10). Namely, the anisotropic exchange spring magnet powder of the present invention is characterized by product-by-process.

As described in the SUMMARY OF THE INVENTION, beginning on page 1, line 24, "However, exchange spring magnets developed to date have isotropy, and the resulting maximum energy product is as low as about 20MGOe ( $\cong 159\text{kJ/m}^3$ ). The maximum reasons for this is that orientations of crystal particles constituting an exchange spring magnet are not arranged to a constant direction, therefore, there are a lot of studies to realize an anisotropic exchange spring magnet which is so fine and has crystal directions arranged toward the same direction as to manifest exchange connection."

As further described beginning at page 8, line 20 of the present specification, "When the content of amorphous parts is over this range (95% or less), the degree of orientation of the mother material crystal may lower to decrease magnetic property."

Finally, as described beginning at page 9, line 15, "...it is desirable to repeat the above-mentioned (continuous process of amorphism-crystallization) once or more times, and by this, the degree of orientation of crystal is further improved, and consequently, an anisotropy-imparting effect increases, which is effected for improvement of magnetic property."

Thus, it is believed that the claimed product-by-process has both novelty and inventive step in the following steps of the present invention:

(1) preparing step the crystalline mother material having a content of amorphous parts of magnetization of 95% or less,

(2) repeating a continuous process composed of said amorphising process and crystallizing process, once or more times.

Nomura does not disclose or suggest the above-described features and effects of the present product-by-process claims. Consequently, new claims 14-19 are believed to be patentable over Nomura.

The present amendments touch the merits of the present application and are presented after final rejection. It is respectfully requested that the Examiner admit the present amendments, as these amendments are a good faith effort to advance prosecution and are believed to place the application in condition for allowance.

The present amendments were not earlier presented as Applicants and have just now realized that the present invention should be claimed via product-by-process claims. Consequently, entry of the present amendments is respectfully solicited.

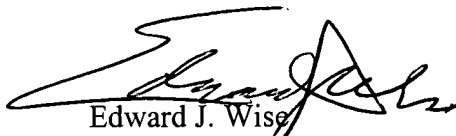
#### **CONCLUSION**

Accordingly, it is urged that the application, as now amended, overcomes the rejection of record and is in condition for allowance. Entry of the amendment and favorable reconsideration of this application, as amended, are respectfully requested. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Edward J. Wise  
Registration No. 34,523

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 EJW:khb  
Facsimile: (202) 756-8087  
**Date: June 5, 2003**